mation, which was slightly incorrect, was sent to the plaintiff's creditors. They stopped credit, thereby causing the plaintiff inconvenience, but he was not insolvent and did not become so. *Held,* that the communication was privileged. *Simons* v. *Petersberger* (Ia., 1917), 165 N. W. 91.

The general rule was followed in considering the communication "qualifiedly privileged", thus making proof of the defendant's bad faith requisite to the plaintiff's success. *Bohlinger* v. *Germania Life Ins. Co.,* 100 Ark. 477, 36 L. R. A. (N. S.) 449. Defendant, though his communication was not an answer to an inquiry, had at least a duty of imperfect obligation in regard to the matter. *Caldwell* v. *Story,* 107 Ky. 10. The information seems, also, to have reached only interested subscribers thus avoiding cases where the information reached outsiders or was sent to all the subscribers irrespective of interest. *Pacific Packing Co.* v. *Bradstreet Co.,* 25 Idaho 696, Ann. Cas. 1916 D, 761. To reach its conclusion, the distinction between information furnished a credit company by its agent and information furnished by it to its members had to be ignored. *Sherwood* v. *Gilbert,* 2 Alb. L. J. 323. *Contra*: *State ex rel. Lanning* v. *Lonsdale,* 48 Wis. 348. Even then, the result is in conflict with several cases holding that such communications though given after a special request are not privileged. *Macintosh* v. *Dun* (1908), A. C. 390; *Johnson* v. *Bradstreet Co.,* 77 Ga. 172.

MASTER AND SERVANT — LIABILITY FOR NEGLIGENCE — HEAD OF FAMILY'S AUTOMOBILE OPERATED BY MEMBER OF FAMILY. — Defendant purchased and owned an automobile for family use, giving his wife general permission to use it whenever and wherever she desired. While the wife was driving the machine for her own pleasure, accompanied by a lady friend, it collided with a motorcycle on which the plaintiff was riding, injuring the latter. *Held,* that the defendant husband was liable for his wife's alleged negligence, on the ground that she was his agent. *Hutchins* v. *Haffner* (Colo., 1917), 167 Pac. 966. Defendant purchased and owned an automobile for family use, giving his daughter, a minor, permission to use it. While the daughter was driving the machine for her own pleasure, accompanied by a friend, it struck and injured the plaintiff. *Held,* that the defendant father was not liable for his daughter's alleged negligence, she not being his agent. *Blair* v. *Broadwater* (Va., 1917), 93 S. E. 632.

The decisions bearing upon the liability of an owner of an automobile, kept for family use, for the negligence of a member of his family, in driving the machine with his consent, are squarely in conflict, as illustrated by the principal cases. Cases following the doctrine of *Hutchins* v. *Haffner, supra,* are: *Birch* v. *Abercombie,* 74 Wash. 486; *McNeal* v. *McKain,* 33 Okla. 449; *Guignon* v. *Campbell,* 80 Wash. 543; *Griffin* v. *Russell,* 144 Ga. 275. Cases following the doctrine of *Blair* v. *Broadwater, supra,* are: *Doran* v. *Thomsen,* 76 N. J. L. 754; *Tanzer* v. *Read,* 145 N. Y. Supp. 708; *Parker* v. *Wilson,* 179 Ala. 361; *Van Blaricom* v. *Dodgson,* 220 N. Y. 111. Where one person is sought to be charged with the negligence or wrongdoing of another, the doctrine of *respondeat superior* applies only when the relation of master and servant is shown to exist between the wrongdoer and the person sought

to be charged, at the time of, and in respect to, the very transaction out of which the injury arose. *Forsyth* v. *Hooper,* 11 Allen (Mass.) 419; *Wood* v. *Cobb,* 13 Allen (Mass.) 58; *Wyllie* v. *Palmer,* 137 N. Y. 248 (257); WOOD, MASTER AND SERVANT, p. 10, sec. 7. No presumption of the relation of master and servant results from the mere fact of the domestic relationship. *Maddox* v. *Brown,* 71 Me. 432; *M'Calla* v. *Wood,* 2 N. J. L. 86; *Kumba* v. *Gilham,* 103 Wis. 312; SCHOULER, DOMESTIC RELATIONS, sec. 263; THOMPSON, NEGLIGENCE, sec. 537. The cases which hold the owner of an automobile liable as master argue that the machine was purchased and operated for family use; that, at the time of the accident, the driver was engaged in carrying out the general purpose for which the machine was bought and kept; that, as it was taken out at the time in pursuance of authority from the owner to take it for the pleasure of the family, and the driver, as a member of it, the driver was engaged in the exercise of the owner's business,—supplying of recreation to members of the family. Cases taking the opposite view attempt to meet this line of argument by saying that such reasoning bases the creation of the relation of master and servant upon the purpose which the owner had in mind in acquiring the ownership of the automobile, and its permitted use by the driver, ignoring an essential element in the creation of that status, as to third persons, viz.: that such use must have been in the furtherance of, and not apart from, the master's service and control; that it interdicts the owner's generosity, and his reasonable care for the pleasure, and even the well-being, of the members of his family, by imposing a universal responsibility for their acts; that it fails to distinguish between a mere permission to use, and a use subject to the control of the master and connected with his affairs. The doctrine supported by the case of *Hutchins* v. *Haffner, supra,* seems to be founded more on a desire to insure a remedy to parties injured by the negligence of drivers of automobiles, by fixing the liability on someone financially responsible, and to avoid setting a premium on the failure of the owner to employ a competent chauffeur, than upon any logical application of the privileges involved in the relationship of master and servant.

MUNICIPAL CORPORATIONS—TRAFFIC ORDINANCE.—An ordinance of the city of Cleveland provided that "in case of accident to or collision with a person * * *, the person so driving or operating such vehicle shall stop and give such reasonable assistance as can be given * * *". Appellant was arrested and charged with violation of above ordinance in that she failed to render such reasonable assistance as could be given after her automobile knocked down A. *Held,* the ordinance was invalid for indefiniteness in that it failed to use the words "knowingly" or words of similar import. Second, that it took the time and money of a citizen without substantial compensation whether he is to blame or blameless for the injury. Third, that the ordinance fixed no standard of what constitutes reasonable assistance. *Henry* v. *Cleveland* (Ohio Ct. App., 1917), 39 Oh. C. C. 165.

The protection of life and limb is a matter of public concern and there is both power and obligation to pass and enforce reasonable police provisions.